THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6009 of 2007

Between:

P.Lokanatha Reddy.

.. PETITIONER

and

Food Corporation of India and others.

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RESPONDENTS

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ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of the

respondents in not making payment towards handling and transport contract on the basis of the report submitted by the committee constituted by the 3rd respondent, calculating the distance as 8 kms. instead of 5 kms. between the loading point and the unloading point with effect from the commencement of the contract, as illegal and arbitrary, and consequently direct the respondents to pay the amounts to the petitioner on the basis of the report submitted by the committee constituted by the 3rd respondent.

The petitioner filed similar writ petition i.e., W.P.No.26057 of 1996 before this court to direct the respondents to pay appropriate schedule rate with tender percentage at the distance rule contained in annexure (part-6) of the tender schedule, treating the distance as 8 kms., with effect from 06-01-1994 till the completion of the contract period.

The said writ petition was disposed of, as infructuous, on 21-06-2006, on the ground that the contract period was already over.

Admittedly, the contract period was already over. Further, if the earlier writ petition has not become infructuous, it is for the petitioner to take appropriate steps in the said writ petition. But, for the self same relief, it is not just and proper for the petitioner to file this writ petition.

Accordingly, the writ petition is dismissed with a liberty to take appropriate action in the disposal of the earlier writ petition or take appropriate legal steps as are available to him. There shall be no order as to costs.

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26-03-2007

Prv